

Virginia Department of Labor and Industry  
Occupational Safety and Health Compliance  
Interstate Corporate Center, Building 6  
6363 Center Drive, Suite 101  
Norfolk, VA 23502  
Phone: (757) 455-0891 Fax: (757) 455-0899



## Citation and Notification of Penalty

**To:**

City of Norfolk Police Department  
and its successors  
2500 North Military Highway  
Norfolk, VA 23502

**Inspection Number:** 315176909

**Inspection Date(s):** 12/09/2010 -

**Issuance Date:** 06/08/2011

**Inspection Site:**

2500 North Military Highway  
Norfolk, VA 23502

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

Described herein are alleged violations of Virginia's Occupational Safety and Health Laws, standards and/or regulations. Any penalty proposed is based on the corresponding violation. In accordance with Virginia Code §40.1-49(B), you must abate all alleged violations by the dates listed and pay the penalties proposed, unless, within 15 working days (excluding weekends and Federal and State holidays) from the date you receive this citation, you submit a notice of contest to the Virginia Department of Labor and Industry Regional Office at the address listed above. Issuance of this citation does not constitute a finding by the Commissioner that you have violated the law, standard or regulation described unless you fail to file a notice of contest or this citation is affirmed by a court of law.

**Please read the enclosed booklet entitled *Employers Rights* in conjunction with this citation to learn your rights and responsibilities.**

**Posting** - Virginia law requires you to immediately post a copy of this Citation in a prominent place at or near the location of the violation(s), or, if it is not practicable because of the nature of your operations to do so, in a place where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) have been abated, or for 3 working days (excluding weekends, State and Federal holidays), whichever is longer. The penalty amounts may be marked out or covered up prior to posting. It should be noted that these amounts, however, are releasable by the Department in response to a Freedom of Information Act (FOIA) request.

**Informal Conference** - You have the right to an informal conference with the VOSH Regional Director at which you may present evidence which you believe supports amending either the citation or penalties proposed. An informal conference, which is held during the 15 working day contest period, is optional. If you wish to attend an informal conference, you must contact the VOSH Regional Director at the Regional Office listed above.

If you request an informal conference, you must notify your employees of the time and place. Be sure to bring to the conference any documentation of existing conditions as well as abatement steps taken thus far. If conditions warrant, this matter may be resolved amicably without the need for litigation, by way of an Informal Settlement Agreement.

**Requesting an informal conference does not extend the 15 working day contest period.**

**Right to Contest** - You have the right to contest this Citation. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **This citation and the penalties proposed will become a final order of the Commissioner of Labor and Industry unless you notify the VOSH Regional Director in writing within 15 working days of receiving this citation that you contest the citation or any part thereof.**

**Penalty Payment** - Penalties are due within 15 working days of receipt of this notification unless you contest. Make your check or money order payable to "Commonwealth of Virginia". Please indicate the Inspection Number on the check or money order.

The Virginia Department of Labor and Industry does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action** - For violations which you do not contest, you should notify the VOSH Regional Director at the Regional Office promptly, by completing the enclosed List of Corrective Actions/Abatement Verification form, that you have taken appropriate corrective action by the date(s) specified in this citation. The form must include abatement steps you have taken and the dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

**Employer Discrimination Unlawful** - The law prohibits discrimination against an employee who has filed a complaint or who has exercised any rights under the Labor Laws of Virginia. An employee who believes that he/she has been discriminated against may file a complaint no later than 60 days after the discrimination occurred with the Virginia Department of Labor and Industry, Occupational Safety and Health Discrimination Office at Powers-Taylor Building, 13 South Thirteenth Street, Richmond, Virginia 23219.

**Notice to Employees** - The law gives an employee or his/her representative the opportunity to contest any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Regional Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the employers receipt of this Citation.

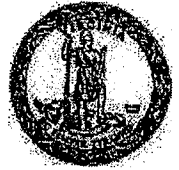


## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with VOSH to discuss the citation(s) issued on 05/27/2011. The conference will be held at the VOSH office located at Occupational Safety and Health Compliance, Interstate Corporate Center, Building 6, 6363 Center Drive, Suite 101, Norfolk, VA 23502 on \_\_\_\_\_ at \_\_\_\_\_ Employees and/or representatives of employees have a right to attend an informal conference.

**Virginia Department of Labor & Industry**  
Occupational Safety and Health Compliance

Inspection Number: 315176909  
Inspection Dates: 12/09/2010  
Issuance Date: 06/08/2011



**Citation and Notification of Penalty**

Company Name: City of Norfolk Police Department  
Inspection Site: 2500 North Military Highway, Norfolk, VA 23502

**Citation 1 Item 1 Type of Violation: Serious**

1910.132(d)(2): Located at the workplace, for the Norfolk Police Academy Defensive Tactics Training program, the employer did not verify that the personal protective equipment workplace hazard assessment required by 1910.132(d)(1) had been performed through:

a written certification that identifies the workplace evaluated;

the person certifying the evaluation has been performed;

the date(s) of the hazard assessment; and,

which identifies the document as a certification of hazard assessment.

During Defensive Tactics Training program, police recruits and staff instructors use and wear protective head gear, boxing gloves and padded fingerless gloves during defensive drills, including blocking and weapons retention and disarming exercises.

Recruits and staff instructors were exposed to potential blows to the head and body which could result in concussions and fractures.

The warning label for the protective head gear worn by the recruits and staff instructors provides as follows:

"Warning! Boxing, kickboxing and martial arts are contact sports. A person should not participate in these sports without a physician's approval. People with prior brain injury should not participate in these sports. The users of this product are subject to personal injury. Severe head, neck and other injuries, including death, paralysis and internal complications, may occur despite using this piece of equipment. This product helps provide a degree of protection but is not warranted to protect the user from injury. The manufacturer and distributor assume no liability for personal injury or death suffered while wearing this product. With time and use, the materials used in this product will lose some of its effectiveness and will require replacement."

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**06/25/2011**  
**\$ .00**

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Virginia Department of Labor & Industry**  
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**Citation and Notification of Penalty**

Company Name: City of Norfolk Police Department  
Inspection Site: 2500 North Military Highway, Norfolk, VA 23502

**Citation 2 Item 1 Type of Violation: Other Than Serious**

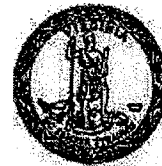
1904.40(a): Located at the worksite, required records were requested of the employer and those records were not furnished until weeks later. The records are required to be provided to an authorized government representative within 4 business hours.

Date By Which Violation Must be Abated: Corrected During Inspection  
Proposed Penalty: \$ .00

  
Jeannie Buckingham  
VOSH Compliance Manager

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**INVOICE/  
DEBT COLLECTION NOTICE**

**Company Name:** City of Norfolk Police Department  
**Inspection Site:** 2500 North Military Highway, Norfolk, VA 23502  
**Issuance Date:** 06/08/2011


**Summary of Penalties for Inspection Number** 315176909

Citation 01, Serious	=	\$0.00
Citation 02, Other Than Serious	=	\$0.00
Total Proposed Penalties		\$0.00

Pursuant to Virginia Code § 40.1-49.4.A.4(a), the Commissioner of the Department of Labor and Industry has the authority to assess interest on all past-due penalties as well as administrative costs incurred in the collection of the penalties for violations of the Virginia Occupational Safety and Health Laws, regulations, and standards. Interest charges, as assessed at an annual rate in accordance with Virginia Code § 2.1-732, shall accrue from the date on which the citation, either as issued or as amended, becomes a final order of the Commissioner. A citation becomes a final order 15 working days after the date that the employer receives the citation unless the employer files a notice of contest with the VOSH Regional Director. Interest is waived if the employer pays the full amount within 30 calendar days of the final order date.

A debt is past-due 30 calendar days after the final order date unless the employer has made a satisfactory payment arrangement with the Commissioner. If the debt remains unpaid for more than 90 days, it will be deemed delinquent and referred to the Office of the Attorney General or another collection agency for collection. All administrative costs incurred in collecting the debt will be added to the amount of the debt.

To avoid potential interest and collection costs, please remit payment promptly for the total amount of the uncontested penalties shown on the citation to the Accounting Office, Virginia Department of Labor and Industry, Powers-Taylor Building, 13 South Thirteenth Street, Richmond, Virginia 23219. You may use the enclosed self-addressed envelope. Please make your check or money order payable to: "Commonwealth of Virginia". Please indicate the Inspection Number on the payment. Do not remit payment to the Regional Office.

  
Jeannie Buckingham  
VOSH Compliance Manager

6-8-11  
Date